

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SUDHA PATEL and BHOLAE, INC.,

Case No. 05-CV-2866 (PJS/RLE)

Plaintiffs,

v.

CITY OF SAUK CENTRE; DENNIS RYKKEN, Interim Mayor of the City of Sauk Centre; PAUL THEISEN, former Mayor of the City of Sauk Centre; SAUK CENTRE CITY COUNCIL AND COUNCIL MEMBERS 1-4; ROSE ANN INDERRIEDEN, Sauk Centre City Administrator; STEPHEN BLOOM, former Sauk Centre City Administrator; CORALEE FOX, former Sauk Centre City Administrator; and TRACI RYAN, Sauk Centre Economic Development Director,

ORDER

Defendants.

Jesse H. Kibort, KOEPKE & DANIELS, P.A.; Richard A. Diamond, RICHARD I. DIAMOND, PA, for plaintiffs.

Ryan M. Zipf, LEAGUE OF MINNESOTA CITIES, for defendants.

This matter is before the Court on the objection of plaintiffs Sudha Patel and Bholae, Inc., to the April 20, 2007 Report and Recommendation (“R&R”) of Chief Magistrate Judge Raymond L. Erickson. The Court has reviewed de novo those portions of the R&R to which plaintiffs have objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), has considered carefully all of plaintiffs’ objections, and adopts Judge Erickson’s thorough and well-reasoned R&R [Docket No. 42].

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES plaintiffs' objection [Docket No. 43] and ADOPTS Judge Erickson's April 20, 2007 Report and Recommendation [Docket No. 42]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendants' motion for summary judgment [Docket No. 20] is GRANTED IN PART as follows:
 - a. Plaintiffs' claims for violations of their rights under the U.S. Constitution to equal protection and procedural and substantive due process are DISMISSED WITH PREJUDICE AND ON THE MERITS.
2. Plaintiffs' state-law claims are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 3, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge